

October 30, 2024

Anna Wylie's Reply Brief to Executive Director's Response Brief to the Motion to Overturn
North Texas Natural Select Materials, LLC
Air Quality Standard Permit Registration No. 175198
TCEQ Docket No. 2024-1583-AIR

Copied from Elizabeth Black, Staff Attorney, Environmental Law Division TCEQ, RTC, 2nd paragraph

As required by Title 30 Texas Administrative Code (TAC) 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments.

Copied from Elizabeth Black, Staff Attorney, Environmental Law Division TCEQ, Response Brief to the Motion to Overturn, dated October 18, 2024, Introduction, 2nd paragraph, last two sentences

On September 4, 2024, the TCEQ executive director issued the application in accordance with 30 TAC 50.135. On October 11, 2024, the Executive Director filed a response to comments (RTC) for all timely comments made during the public comment period.

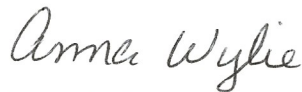
According to the two statements above from Elizabeth Black, TCEQ did not follow their procedures for approving this Air Quality Standard Permit. In the first statement it is clear that the Executive Director is to prepare a response to comments (RTC) prior to approving an application. The second statement clearly shows that the approval was done prior to the RTC.

In addition, in my Motion To Overturn, dated September 27, 2024, I stated that I and many of my neighbors had not received TCEQ's RTC.

Also, referencing Elizabeth Black, Staff Attorney, Environmental Law Division TCEQ, Response Brief to the Motion to Overturn, dated October 18, 2024, Section III. Location in relation to residences at 4778 S. Fannin Road and Montes Lane, paragraph 3, the updated representations showing the location of the crusher submitted by NTNSM between July 30, 2024 and August 7, 2024 were not disclosed to the public. Reference was also made to the updated representations in the RTC, however, as noted previously the RTC was not filed until after the permit was approved.

Therefore, since the TCEQ did not follow their stated procedures requiring the RTC to be filed prior to the RTC and did not require NTNSM to resubmit their application with updated representations, the Commissioners should overturn the ED's approval of NTNSM's application.

Respectfully,



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